

## 5.9 BIOLOGICAL RESOURCES

### 5.9.1 Introduction and Methodology

FSEIR #01-01 analyzed biological resource issues for the EastLake III development, within which the proposed project and optional construction access road are located. The optional pedestrian trail and off-site portion of the proposed OTC Emergency Access Roadway are not located in the area previously analyzed in FSEIR #01-01. These latter two areas are located on the OTC Parcel and are addressed in the October 1989 EastLake III/Olympic Training Center and EastLake Trails Prezone and Annexation Final Subsequent Environmental Impact Report (EIR #89-09).

This section provides a summary of the existing biological conditions, potential impacts to biological resources associated with construction and operation of the proposed project, and mitigation measures to reduce potentially significant impacts to a less than significant level.

The project site (comprised of the 19.6 acre site which includes the on-site portion of the OTC emergency access road) has been graded in accordance with an approved grading plan, resulting in a level land-surface. This document assumes no further impacts to pre-existing biological resources within the project development site, and notes that mitigation designated for impacts to should we say biological resources within the project site has been fulfilled. The three off-site project features, the off-site portion of the OTC Emergency Access Road, the optional construction access road and the optional trail, are the subject of this biological resource analysis. The existing conditions and impact analysis address: **(1)** the 0.016-acre off-site portion of the emergency access road located on the OTC property, **(2)** the 0.40-acre off-site optional construction access road and **(3)** the 0.31-acre off-site optional trail (**Note:** The 0.31-acre offsite trail is reflective of the total study area, the actual trail would be 5 feet wide rather than the entire 30 foot wide study area).

The portion of the emergency access road on the OTC property is located in an area that was previously disturbed during development of the OTC. The optional construction access road is located in an area that was previously disturbed during development of EastLake III. The optional trail is located in an area that has not been previously disturbed.

These three areas were surveyed for biological resources on July 26, 2005 and January 9, 2006 by Dudek biologists Colin Khoury and Marc Doalson, respectively. Vegetation communities were mapped on a 100 scale topographic map overlaid onto an aerial photograph of the site.

## **5.9.2 Existing Conditions**

### **Regulatory Planning Context**

#### Multiple Species Conservation Plan

The City of Chula Vista is a participant in the San Diego Multiple Species Conservation Program (MSCP). The MSCP is a comprehensive, long-term regional habitat conservation program which provides permit issuance authority for take of covered species and habitat to the local agencies. The MSCP is implemented in Chula Vista through the City's MSCP Subarea Plan. Conservation provided for in the MSCP in general and the Subarea Plan specifically, addresses cumulative and growth inducing impacts to covered species and their habitats. Approval of the Chula Vista Subarea Plan, the state and federal wildlife agencies issued permits allowing Take Authorization for certain sensitive Covered Species within the Subarea.

The project site is shown in the Subarea Plan as "Development Area," within which the "Take of Chula Vista Covered Species is authorized by this Subarea Plan Section 10(a)(1)(B) and Section 2835 permit" (City of Chula Vista 2003). The project site is adjacent to the Otay Valley Regional Park, as depicted in *Figure 5.9-1, MSCP Subarea Plan* (referred to in FSEIR #01-01 as City of San Diego Multiple Habitat Planning Area [MHPA] Cornerstone Lands).

Although the project is located in a "Development Area" in the Subarea Plan, mitigation for impacts to sensitive habitats will still be required. The Subarea Plan identifies a method of determining a resource's sensitivity. Upland plant communities have been divided into four tiers of sensitivity. Tier I (rare uplands), Tier II (uncommon uplands), and Tier III (Common uplands) are considered sensitive by the City, and require mitigation for impacts at ratios designated in the Subarea Plan. Tier IV (other uplands) are not considered sensitive and do not require mitigation.

The City's Wetland Protection Program is included in the Subarea Plan. The City's goal for wetland impacts is an overall "no net loss." As part of the CEQA review, projects that contain wetlands will be required to demonstrate that impacts to wetlands have been avoided to the greatest extent practicable and, where impacts are nonetheless proposed, that such impacts have been minimized. Depending on the type of wetland impacted, a mitigation ratio will be applied based on habitat type. All wetland areas, including wetland buffer zones are considered sensitive. Impacts to wetlands must be avoided to the maximum extent feasible. The Subarea plan does not supersede the requirement that the project proponent obtain all necessary federal and state permits for impacts to wetlands.

*Figure 5.9-1, MSCP Subarea Plan*

There are 19 plants that are classified as “narrow endemic species” based on their limited distributions in the region. The Subarea Plan includes special protection measures for narrow endemic species, including requirements to avoid and minimize impacts to these species. All narrow endemic plants are also MSCP covered species and some are federally or state listed as rare, threatened, or endangered species. The impact assessment for the project follows the guidelines for avoidance and minimization outlined in the City’s Subarea Plan.

### Habitat Loss and Incidental Take Ordinance

The City Council has adopted the Habitat Loss and Incidental Take (HLIT) Ordinance as a mechanism to implement the Subarea Plan. The HLIT is consistent with the conservation and mitigation goals of the MSCP Subarea Plan. All development projects that are not defined as “Covered Activities” within the City are subject to the provisions of the HLIT Ordinance. The proposed project is not a “covered activity” in the Subarea Plan, and is therefore subject to the HLIT Ordinance.

### California Native Plant Society Sensitivity Lists

Species that are not MSCP covered, but are on Lists 1B or 2 of the California Native Plant Society’s (CNPS) Inventory of Rare and Endangered Vascular Plants of California (Skinner and Pavlik), California fully protected species, and California species of special concern are also considered sensitive. Impacts to these species may require mitigation according to CEQA guidelines.

### Wildlife Corridors

Wildlife movement corridors are considered important to the overall function of the Preserve. Wildlife movement corridors are defined as areas that connect suitable wildlife habitat areas and are important because they provide access to food, mates, and water; allow the dispersal of individuals and facilitate genetic exchange.

## **Existing Biological Resources**

As stated in the introduction to this section, this biological resources section analyzes only the proposed off-site emergency access route to OTC, and optional off-site trail and optional off-site temporary construction road. The remainder of the site including the building pad area and on-site portion of the emergency access road are located within areas that have been previously disturbed. These three off-site areas total approximately 0.8 acres. The portion of the emergency access route on the OTC property would consist of a 20-foot linear road (0.01 acre).

The optional off-site construction access roadway would be located along the southern slope adjacent to the site and would connect the project site with Wueste Road. This feature would be approximately 540 linear feet and consist of a 0.5-acre area. The optional off-site pedestrian trail would be located near the southeastern corner of the project site and would connect the proposed project to the OTC and existing off-site trail system. This facility would be approximately 375 feet in length and consist of approximately 0.32-acre.

### Vegetation Communities

A total of two vegetation communities are found within the off-site project component areas: developed land and disturbed habitat. Each vegetation community documented within the trail and access road locations are described in further detail below.

***Developed Land.*** Developed land was mapped in areas containing a predominance of manmade structures and features including paved roads, buildings, parking lots, and asphalt/gravel roads.

***Disturbed Habitat.*** Disturbed habitat includes areas that either lack vegetation or where native vegetation has been removed in part or in whole by mechanical means and weedy non-native annual dicots, such as telegraph weed, Russian-thistle and tocalote, predominate. This category may also include ornamental plantings.

*Figure 5.9-2, Biological Resources Map*, depicts resources observed and mapped onsite and offsite during the July 2005 and January 2006 field visits.

### Sensitive Habitats

None of the vegetation communities found within the off-site project components are sensitive. Disturbed Habitat is considered a Tier IV habitat which is not regulated by the City's HLIT ordinance, is not considered significant and does not require mitigation if impacted.

### Sensitive Plants

No state or federally-listed rare, endangered, threatened, nor local or regional sensitive plant species of concern were observed within the off-site component areas. Although none were observed onsite during the biological resources reconnaissance, suitable conditions (including clay soils) exist within the off-site project construction road area which could potentially support sensitive plants.

*5.9-2 Biological Resources Map*

One California Native Plant Society (CNPS) sensitive plant, graceful tarplant (*Holocarpha virgata* ssp. *elongata*), was found within the optional trail alignment. Graceful tarplant was found in one small population (five individual plants). The species is not listed in state or federal sensitive species listings, nor is it included in the Chula Vista Subarea Plan as a covered species. Graceful tarplant has a California Native Plant Society (CNPS) listing 4; 1-2-3, interpreted as a species with “Limited Distribution (Watch List);... Rare-...Fairly Endangered in California-... Endemic to California” (CNPS 2005). List 4 species are considered to be sensitive.

### Sensitive Wildlife

Due to the limited projected disturbance caused by the additional trail and roadway access components and based on field observations of habitat conditions within the small area of natural land cover disturbance, wildlife surveys were not deemed necessary.

### Wetlands

No wetlands or jurisdictional waters were found within the trail and emergency access roadway locations.

### Sensitive Land Adjacency Issues

The project site is located in proximity to the Otay Valley Regional Park Concept Plan Area which is part of the MSCP Preserve (refer to *Figure 5.9-1, MSCP Subarea Plan*). The City is a local participating jurisdiction in planning for the Otay Valley Regional Park, which is an approximately 8,700-acre regional park designed to provide biological open space and active and passive recreational uses within the Cities of San Diego and Chula Vista and the County of San Diego. The intent of the conservation open space areas identified in the Otay Valley Regional Park Concept Plan is to provide a regional wildlife linkage from San Diego Bay to the Otay Lakes. These conservation areas include, but are not limited to, wetland areas, permanent and seasonal ponds, and disturbed biological resources in need of enhancement.

The area of the Preserve, near the project site, is designated as a “100% Conservation” (Preserve) area. While the project site is not immediately adjacent to the Preserve, indirect effects on the Preserve could result from project development. In order to minimize edge effects to the Preserve, adjacency requirements and guidelines have been included in the Subarea Plan. All new developments are required to adhere to these guidelines. These guidelines fall into six main categories; drainage, toxic substances, lighting, noise, invasives and buffers. A summary of each category is provided below:

### ***Drainage***

- All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials and other elements that might degrade or harm the natural environment or ecosystem processes within the Preserve.
- Developments must implement urban runoff and drainage plans which will create the least impact practicable for all development adjacent to the Preserve.
- Pursuant to the San Diego Regional Water Quality Control Board Municipal Permit, and the City of Chula Vista Storm Water Management Standards Requirements Manual, all development and redevelopment located within or directly adjacent to or discharging directly to an environmentally sensitive area (such as the Otay River) are required to implement site design, source control and treatment control BMPs.
- All National Pollution Discharge Elimination System (NPDES)-regulated projects shall implement a combination of BMPs as close to potential pollutant sources as feasible.

***Toxic Substances.*** All uses that generate substances that are potentially toxic or impacting to wildlife, sensitive species, habitat or water quality, need to incorporate methods onsite to reduce impacts caused by the application and/or drainage of such materials into the Preserve. Methods shall be consistent with requirements of the Regional Water Quality Control Board (RWQCB) and NPDES standards.

***Lighting.*** Lighting of all developed areas adjacent to the Preserve should be directed away from the Preserve wherever feasible and consistent with public safety. Where necessary, development should provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the Preserve and sensitive species from night lighting. Consideration should be given to the use of low-pressure sodium lighting.

***Noise.*** Uses in or adjacent to the Preserve should be designed to minimize noise impacts. Berms or walls should be constructed adjacent to commercial areas and any other use that may introduce noises that could impact or interfere with wildlife utilization of the Preserve. Excessively noisy uses or activities adjacent to breeding areas, including temporary grading activities, must incorporate noise reduction measures or be curtailed during the breeding season of sensitive bird species, consistent with Table 3-5 of the MSCP Subregional Plan.

***Invasives.*** No invasive non-native plant species shall be introduced into areas immediately adjacent to the Preserve. All open space slopes immediately adjacent to the Preserve should be planted with native species that reflect the adjacent native habitat. Appendix L of the Subarea



Plan contains the “Wildland/Urban Interface: Fuel Modification Standards” which contains a plant list for mitigation or buffer plan consultation.

**Buffers.** There shall be no buffer requirements outside of the Preserve, except as may be required for Wetlands pursuant to Federal and or State permits, or by local agency CEQA mitigation conditions. All open space requirements for the Preserve shall be incorporated into the Preserve. Fuel modification zones must be consistent with Section 7.4.4 of the Subarea Plan.

### Wildlife Corridors/Habitat Linkages

The trail and emergency access roadway and temporary construction roadway contain minimal quality vegetation and are not located in an area designated or recognized as either a regional or local wildlife movement corridor or habitat linkage.

### **5.9.3 Thresholds of Significance**

According to the significance criteria included in Appendix G of the CEQA Guidelines, biological resource impacts would be significant if the proposed action would result in any of the following:

Would the project:

- 1) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan or other approved local, regional or state habitat conservation plan?
- 2) Have a substantial adverse effect, either directly or through habitat modifications on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?
- 3) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?
- 4) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption or other means?

- 5) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?
- 6) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

#### 5.9.4 Environmental Impacts

**Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan or other approved local, regional or state habitat conservation plan?**

##### Consistency with Subarea Plan: HLIT Ordinance

*Figure 5.9-3, Biological Resources Impacts*, depicts the project's impacts to existing biological resources. Implementation of the proposed project (off-site portion of the OTC emergency access road) would result in new direct, permanent impacts to the following vegetation communities/land covers: 0.007 acre of developed and 0.009 acre of disturbed habitat (see *Table 5.9-1, Impacts to Vegetation Communities and Land Covers*). It is important to note that due to past grading/site pad development activity, the 19.6 acre building pad site is not included in the analysis of consistency with the Subarea Plan. Only the off-site emergency access roadway to the OTC was analyzed.

**TABLE 5.9-1**  
**Impacts To Vegetation Communities And Land Covers – Proposed Project**  
**(Off-site portion of the emergency access road connection to the OTC)**

<b>Vegetation Community/Land Cover</b>	<b>Total Impacts (in acres)</b>
Developed	0.007
Disturbed Habitat	0.009
<b>Total</b>	<b>0.016</b>

Impacts to developed and disturbed habitat are not considered significant. Because the Chula Vista Subarea Plan was adopted in 2004, thereby providing a regional conservation strategy for the entire City, impacts to land within areas designated as "Development Area" in the Subarea

Figure 5.9-3 Biological Resources Impacts

Plan are not considered significant, provided that consistency with applicable provisions of the Subarea Plan is demonstrated.

While the area that would be impacted is designated as Development Area in the Subarea Plan, it is not within a “Covered Project” area, and is therefore subject to the HLIT Ordinance. As noted in *Section 5.9.2, Existing Conditions*, the Subarea Plan establishes mitigation ratios for Tier I, II and III upland communities. Developed and disturbed habitat are not Tier I, II or III habitat types, therefore mitigation is not required.

**Optional Construction Road:** Construction of the optional off-site construction road would impact the following habitats: 0.50 acre of disturbed habitat. *Table 5.9-2, Impacts to Vegetation Communities and Land Covers – Optional Construction Road* summarizes these impacts.

**TABLE 5.9-2**  
**Impacts to Vegetation Communities**  
**and Land Covers – Optional Construction Road**

Land Covers	Acres
Disturbed Habitat	0.50
<b>Total Optional Construction Road</b>	<b>0.50</b>

Similar to the proposed emergency access road, disturbed habitat is not sensitive (i.e., not Tier I, II or III) and therefore would not require mitigation. Disturbed habitat is a Tier IV habitat type which is not sensitive nor does it require mitigation.

**Optional Pedestrian Trail:** Construction of the optional off-site trail would impact the following habitats: 0.04 acre of developed land and 0.27 acre of disturbed habitat. *Table 5.9-3, Impacts to Vegetation Communities and Land Covers – Optional Pedestrian Trail* summarizes these impacts.

**TABLE 5.9-3**  
**Impacts to Vegetation Communities**  
**and Land Covers – Optional Pedestrian Trail**

Land Covers	Acres
Developed	0.04
Disturbed Habitat	0.27
<b>Total Optional Trail</b>	<b>0.31</b>

Similar to the proposed emergency access road, disturbed habitat and developed are not sensitive (i.e., not Tier I, II or III) and therefore would not require mitigation. Disturbed habitat is a Tier IV habitat type which is not sensitive nor does it require mitigation.

### Consistency with Subarea Plan: Wetland Requirements

The portion of the proposed emergency access road on the OTC property does not contain wetland resources, therefore consistency with the Subarea Plan's Wetland Protection Program/mitigation policies are not applicable. Similarly, the optional off-site construction access road and pedestrian trail do not contain wetland resources. Therefore, consistency with the Subarea Plan's Wetland Protection Program/mitigation policies are not applicable.

### Consistency with Subarea Plan: Sensitive Plants

The portion of the proposed emergency access road on the OTC property would not impact areas suitable for supporting sensitive covered plants including narrow endemics.

***Optional Construction Road and Pedestrian Trail.*** The optional construction road and trail would impact areas that could support narrow endemic plants. Although none were identified during recent surveys conducted for the project, surveys were not conducted within the optimal season for some of the annual narrow endemic plants. Potentially suitable habitat for these plants exist onsite, and therefore, there is a potential for impacts to narrow endemic plant species. This potential impact to narrow endemic plants within the optional pedestrian trail and temporary construction roadway alignments would result in a significant impact.

### Consistency with Subarea Plan: Adjacency Requirements

The proposed project's off-site emergency access connection to the OTC is not located next to areas intended for conservation, therefore, adjacency guidelines would not be applicable to this portion of the project. However, as indicated in *Section 5.9.2, Existing Conditions*, the 19.6-acre building pad area is located adjacent to lands intended for conservation in the Otay Valley Regional Park. Adjacency requirements and guidelines are included in the project as described below:

**Drainage.** All drainages from the proposed project would be diverted away from the Lower Otay Reservoir. The project includes a stormwater pollution control device that will result in capture and filtering of the majority of urban pollutants, particularly those associated with the parking lots. To prevent impacts that might result from contaminants, mitigation measures, including Best Management Practices (BMPs) for source control of

pollutants, as identified in *Section 5.7.5, Water Quality and Hydrology Mitigation Measures*, would prevent any water quality impacts to the Preserve. These measures include provision that all fertilizers and pesticides shall be applied by professionals in order to avoid over application, and that proper wetting and other management techniques will be used to help eliminate blowoff or other non-absorption problems. In addition, bio-filtration swales will be placed at key runoff catchment locations to assist in filtration of run-off.

**Toxic Substances.** The introduction of potential toxic substances during construction, as well as during project operation (i.e., from potential oil or gasoline construction vehicle drips) as a result of run-off would result in a significant impact. Therefore, mitigation is provided.

**Lighting.** The introduction of new light sources within the project development area could potentially impact wildlife and sensitive ecological resources within the Preserve. According to the FSEIR #01-01, the project site has been previously planned for development; however, lighting adjacent to preserve lands would present a significant impact. These impacts are considered significant, therefore mitigation is provided.

**Noise.** Noise impacts to the California gnatcatcher due to construction activities and increased usage adjacent to the preserve lands would be a significant impact (FSEIR # 01-01), therefore mitigation is provided to reduce indirect impacts to below a level of significance.

**Invasives.** To ensure that there are no adverse effects of invasive landscaping, landscaping plans will be reviewed and approved by the City. In order to further prevent adverse effects from invasive species, mitigation is provided.

***Optional Construction Road and Pedestrian Trail:*** These project features would also be located adjacent to areas intended for conservation, therefore indirect impacts related to urban pollutant runoff, toxic substances, new light sources and invasive landscaping would occur and be considered significant. Additionally, potentially suitable habitat for narrow endemic plant species exist onsite, and are therefore considered significant. In order to reduce these potential impacts, mitigation is provided.

**Would the project have a substantial adverse effect, either directly or through habitat modifications on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?**

The City's participation in the San Diego Multiple Species Conservation Program (through development of the City's MSCP Subarea Plan) ensures that a mechanism is in place to avoid impacts to candidate, sensitive or special status species. The project's consistency with the Chula Vista Subarea Plan ensures that the project will not adversely or substantially impact, either directly or indirectly, a sensitive species protected by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

**Optional Construction Road:** The optional construction road must comply with the required mitigation in the HILT Ordinance and will therefore not conflict with any local or regional plans, policies, or ordinances protecting biological resources.

**Optional Pedestrian Trail:** The optional pedestrian trail may impact plants that while not regulated by the US Fish and Wildlife Service or California Department of Fish and Game, are classified (in terms of sensitivity) by the California Native Plant Society. Graceful tarplant (*Holocarpha virgata* ssp. *elongata*), which is not a covered species in the City's Subarea Plan, but is designated as "List 4 species" by the California Native Plant Society, occurs within the disturbed habitat in the optional pedestrian trail impact area. This species is relatively common in the San Diego area. Project development would cause direct impacts to this population (approximately 5 individuals) of graceful tarplant. Due to the relatively common nature of this species in the region, List 4 status and small number of individuals which do not constitute a significant population, substantial impacts to this species would not occur. Therefore, impacts to graceful tarplant would be less than significant.

**Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?**

The off-site portion of the emergency road access road connection to the OTC does not contain any riparian habitat that would be impacted as a result of construction activities.

**Optional Construction Road and Trail:** Similar to the emergency access road, the trail and construction road do not contain riparian habitat, therefore no impacts to riparian habitat would occur.

**Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption or other means?**

The off-site portion of the emergency access route does not contain wetland resources. Therefore, no impact would occur.

***Optional Construction Road and Trail:*** Similar to the proposed emergency access road, the trail and construction access road do not contain wetland resources, therefore no impacts to wetland resources would occur.

**Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?**

The City's participation in the San Diego Multiple Species Conservation Program (through development of the City's MSCP Subarea Plan) ensures that a mechanism is in place to avoid impacts to fish and wildlife species movement patterns and breeding sites on the senior housing site. No wildlife movement corridors or habitat linkages were identified within the project impact area. In addition, the project's consistency with the Chula Vista Subarea Plan ensures that the project will not adversely or substantially impact, either directly or indirectly, resident or migratory wildlife movement patterns or breeding sites.

***Optional Construction Road and Trail:*** Similar to the project site, no wildlife movement corridors or linkages were identified within these facilities. These optional features will not adversely impact, either directly or indirectly, resident or migratory wildlife movement patterns on breeding sites.

**Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

The project site is subject to mitigation and permitting under the HLIT Ordinance, as described above. The project will comply with the required mitigation in the HILT Ordinance and will therefore not conflict with any local policies or ordinances protecting biological resources.

The EastLake III Senior Housing project is located in an area designated as "Development Area" within the City's Subarea Plan. The project is located in an area that is adjacent to sensitive habitats, therefore potential indirect impacts to the City's MSCP Preserve may occur. The project would be required to implement best management practices, shield lighting adjacent to



sensitive habitat, and prohibit the use of non-invasive native plant species consistent with the City's Subarea Plan thereby reducing indirect impacts to below a level of significance.

***Optional Construction Road and Trail:*** The optional construction road and trail will comply with the required mitigation in the HILT Ordinance and will therefore not conflict with any local policies or ordinances protecting biological resources. See discussion above under Threshold of Significance #1.

### 5.9.5 Level of Significance Prior to Mitigation

Potential direct impacts to narrow endemic plant species that may occur within the optional off-site trail and optional construction access road are considered significant. Potential indirect impacts to lands intended for conservation adjacent to the project site (associated with Otay Valley Regional Park) are also considered significant. In addition, failure to comply with mitigation requirements established in the HLIT Ordinance would constitute a significant impact.

### 5.9.6 Mitigation Measures

5.9-a In accordance with the adjacency guidelines contained in the Subarea Plan, mitigation to minimize indirect impacts to sensitive wildlife species, sensitive plant communities and functions of the Preserve as envisioned in the City's Subarea Plan are as follows:

#### **Drainage and Toxic Substances**

- Pollution reduction measures, such as oil and water separators, shall be installed in all drainage systems at the property line to eliminate introduction of contaminants into the Preserve. Such measures shall be indicated on grading plans and approved by the City prior to issuance of any land development permit, including clearing and grubbing and grading permits. The installation of these pollution reduction measures shall be verified by the City during project construction.
- Additional best management practices for reduction to impacts to drainages include: slopes and channels will be protected from erosion; storm drain stenciling and signage will be employed, and control of post-development peak storm water runoff discharge rates and velocities will be enacted to maintain or reduce downstream erosion and to protect stream habitat. These measures shall be further outlined in the project SWPPP.

### **Lighting**

- Light shielding to protect the Preserve from spill-over during construction activities shall be required. In addition, lighting proposed for the residential development shall be directed away and shielded from the Preserve. Low sodium lighting shall also be utilized. Prior to issuance of a building permit, a lighting plan shall be submitted to the City's Environmental Review Coordinator for review and approval. The lighting plan shall illustrate the location of the proposed lighting standards and type of shielding measures. Low-pressure sodium lighting shall be used if feasible and shall be subject to the approval of the City's Environmental Review Coordinator and City Engineer.

### **Noise**

- Construction activities shall include noise reduction measures or be conducted outside the breeding season of sensitive bird species. In particular, grading restrictions shall be implemented during the breeding season (February 15 through August 15) of the California gnatcatcher, and if construction is proposed during the breeding season, noise levels shall not exceed 60 dB(A)  $L_{eq}$  within 500 feet of an active gnatcatcher nest.
- Noise impacts adjacent to the preserve shall be minimized through installation of berms or walls adjacent to the residential areas and any other use that may introduce noises that could impact or interfere with wildlife utilization of the Preserve.

### **Invasives**

- Native vegetation shall be used for revegetating the temporary access road, and shall be incorporated into the landscape plan to the satisfaction of the Director of Planning and Building. Such measures shall be indicated on grading plans and approved by the City prior to issuance of any land development permit, including clearing and grubbing and grading permits. Prior to issuance of a grading permit, landscape plans shall be submitted to the City for review and approval.

- 5.9-b Prior to issuance of any land development permit, including clearing and grubbing and grading permits, for the optional trail and temporary construction access road, the applicant shall retain a City-approved biologist to conduct a Narrow Endemic species survey. Once surveys have been completed, an impact analysis shall be prepared to determine the impacts to any narrow endemic species found in those areas and include mitigation measures in accordance with Section 5.2.3 of the City's Subarea Plan. Finally, the impact analysis shall be submitted to the City's Environmental Review Coordinator

for review and approval prior to initiating any construction activities. If a narrow endemic plant population is discovered, impacts shall be limited to 20% of the population within the project area, and appropriate mitigation shall be provided to meet the requirements of biological equivalency in Section 5.2.3.6 of the Subarea Plan. The City shall prepare findings of equivalency to authorize “Take” of the portion of the plant population.

If, after the comprehensive consideration of avoidance and minimization measures, impacts exceed 20% of the covered Narrow Endemic Species population within the project area, the City must make a determination of biologically superior preservation consistent with Section 5.2.3.7 of the Subarea Plan. This determination shall be based on appropriate mitigation sufficient to meet the requirements established for biologically superior preservation identified in Section 5.2.3.7 of the Subarea Plan. The City shall process the appropriate findings in accordance with Section 5.2.3.3 of the Subarea Plan. If such findings cannot be made for either or both of these optional project features, the feature(s) that are not consistent with the policies related to narrow endemic species shall not be implemented.

### **5.9.7 Significance of Impacts after Mitigation**

With application of the identified mitigation measures, the project is consistent with the City’s Subarea Plan and no significant direct impacts to biological resources would remain. Compliance with the adjacency requirements of the Subarea Plan would reduce impacts associated with indirect effects on the Preserve to less than significant levels.